

chastise and criticize the statements that he said were contradictory statements of Senator FRIST in a filibuster, as he characterized it, in the year 2000.

Now, if the senior Senator from Illinois, Senator DURBIN, wants to point to prior inconsistent statements, let me refresh his memory. This is what Senator DURBIN said on September 28, 1998:

I think that responsibility requires us to act in a timely fashion on nominees sent before us. The reason I oppose cloture is I would like to see that the Senate shall also be held to the responsibility of acting in a timely fashion. If, after 150 days languishing in a committee there is no report on an individual, the name should come to the floor. If, after 150 days languishing on the Executive Calendar that name has not been called for a vote, it should be. Vote the person up or down. They are qualified or they are not.

Those are good words from the senior Senator from Illinois in 1998. Those are the principles we are advocating now. These nominees have not been held up for just 150 days. These nominees—Priscilla Owen, Janice Rogers Brown, and others have been held up for months and years, and in Justice Owen's case, four years.

Then we heard from the senior Senator from Illinois, after saying that we ought to watch our words, he called the Republicans dogs, more specifically, cocker spaniels. This was all because we vote for President Bush's nominees for judges. So we are like dogs, cocker spaniels. Let me be like an Australian shepherd and herd in the Democrats for the last few days who have been popping up like prairie dogs. We have heard this charge from others, including Senator KENNEDY, Senator MURRAY, Senator SCHUMER, Senator DORGAN, and Senator DURBIN, who just recently made this unsubstantiated accusation that, we just vote for all these nominations and nobody votes against any of President Bush's judicial nominees.

The truth is, all of these Senators—Senators KENNEDY, MURRAY, SCHUMER, DORGAN, and DURBIN when it came to a straight up-or-down vote on all of President Clinton's judicial nominees, whether they were for district court, circuit court of appeals, or Supreme Court, never cast a dissenting vote—not even once. That is a lot of affirmative votes, if you ask me, for 8 years of President Clinton's nominees.

Then I scoured around like a German shorthair, and let me point out what I found out from Senator KENNEDY on straight up-or-down votes, not only on President Clinton's nominees, but on President Carter's judicial nominees. Senator KENNEDY didn't even cast a dissenting vote on any of those nominees. To be calling Republicans "lap dogs," "rubberstamps," and so forth—I don't think so.

Unlike Senator DURBIN, we are not going to call the Democrats dogs or cocker spaniels. I think we are lucky dogs that President Bush has examined some outstanding nominees from coast to coast, outstanding men and women who are willing to serve at the circuit

court level, which is a very important level of appeals in this country. He has nominated well-qualified nominees for the circuit court, such as Miguel Estrada.

When you talk about qualifications, Miguel Estrada received the highest possible rating unanimously from the American Bar Association and although we had, on five or six occasions, 55, 56 votes, he was denied the opportunity of a fair up-or-down vote. Finally, his life could not continue in such limbo and he withdrew his nomination.

Priscilla Owen, a justice of the Supreme Court of Texas, another outstanding nomination from President Bush, the person we are actually debating right now, received the highest level of endorsement from the American Bar Association, a unanimous, well-qualified. Justice Owen was elected to the Supreme Court of Texas in 1994 and was reelected with 84 percent of the vote in Texas in the year 2000. This is a person well qualified, well respected in her State.

Janice Rogers Brown, another great American life story of someone who is the daughter of a sharecropper in segregated Alabama, moved to California, ended up being the first African American on the Supreme Court of California, the largest State in our Nation. She is one who has been characterized as a brilliant and fair jurist who is committed to the rule of law. The Chief Justice of the California Supreme Court called on her to write the majority opinion more times in 2001 and 2002 than any other justice of the supreme court.

In California, judges are elected rather than appointed and in the most recent election, Justice Brown received 76 percent of the vote, which was the largest margin of any of the four justices up for retention that year in California, which is not a strong red State. In fact, it is kind of a pale-blue State. Nonetheless, she received 76 percent of the vote in California.

This individual, Janice Rogers Brown, is having to go through these sort of accusations against her. She is well respected, and she is certainly within the mainstream.

I hope these rebuttals will shed some light on the reality of what is going on here. What we are simply trying to do is accord these nominees the fairness of an up-or-down vote. People in the real world probably do not understand this process. They do not understand why a nominee who has majority support cannot be accorded the fairness of a vote. The people of America understand courtesy, and they understand due process. They understand the bump and run and activity that one will have and statements that might be made, and you can have some fun talking about dogs, and so forth.

But ultimately, once you go through all the histrionics, aspersions, characterizations, rebuttals, and setting the record straight, ultimately what we

ought to do as Senators is our job and our duty. This is what the people of America in our respective States have asked us to do. I really do not think it is too much for us to get off our haunches, show some spine, show some backbone, vote yes, vote no on these nominees, and then you can explain to your constituents back in New Jersey or Illinois or South Dakota or Virginia why you voted the way you did.

What we need to do is truly take the politics out of this process. It is harmful that this has become so politicized in the last several years. It is an issue I know is very important to the American people. They recognize President Bush has a philosophy—and it is one that I share—that judges ought to apply the law, not invent the law, and that he has found and sought out men and women of diverse background to bring their experiences, but also their fundamental belief of what the proper role of a judge should be, and that is to listen to the evidence, apply the facts to the law as written by the legislative branch in our representative democracy, and make that ruling.

These nominees are well qualified. They have gone through a lot. They are individuals. These are not just pieces of paper that you just crumble up and throw aside. These are human beings, and they should not be treated this way.

If we are going to be able to attract quality men and women in the future to our Federal judgeships and Federal appointments, many giving up lives where they can make more money, certainly have less controversy, they ought not to be treated like a sheet of paper. They are human beings. Let's have our debates, have the arguments, make a judgment, and ultimately vote "yes" or vote "no."

That is what I think the American people expect out of the Senate, and it is a shame we are having to spend as much time as we are on this, but it is an important principle. It is due process, it is fairness, and it is the rule of law.

I thank my colleagues. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. ALLEN. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL POLICE WEEK 2005

Ms. MURKOWSKI. Shortly after noon on Wednesday May 11, I was presiding over the Senate when the entire Capitol complex was evacuated in response to the threat of an airplane in restricted airspace. The officers of the United States Capitol Police reacted quickly and evacuated the Capitol in record time, moving my colleagues, our staffs, the press corps and our visitors to safe locations.

I cannot say enough about the men and women of our United States Capitol Police. One of their slogans, "You elect them . . . we protect them," accurately describes the mission of this highly professional force which was formed in 1828. That mission, simply stated, is to protect democracy's greatest symbol, the United States Capitol, the people who work here, and its owners, the American people, who visit our offices.

When the Senate returned to its work, our leaders took the floor to express our collective appreciation to the U.S. Capitol Police. Senator REID closed his statement with these touching words, "Every day, we see them standing around doors, and they don't appear to be working real hard, but it is on days such as this that they earn their pay over and over again." Senator REID would know something about this because of all of the things on his rather impressive resume, I understand that he is proudest of his service as a member of the U.S. Capitol Police.

It is no small irony that the skills of our U.S. Capitol Police Officers would be put to the test at the very moment that surviving family members of fallen police officers from around the Nation were arriving in Washington, DC, for the annual candlelight vigil at the National Law Enforcement Officers Memorial and then for Peace Officers Memorial Day services at the west front of the Capitol.

At this time of year, it is appropriate not only to reflect on the professionalism of today's U.S. Capitol Police Officers, but also on three who have fallen in the line of duty. I am referring to Jacob John Chestnut, who was fatally shot while tending one of those checkpoints that Senator REID referred to, by an armed assailant intent upon entering the Capitol. I am also referring to John M. Gibson who was fatally shot by the same individual while protecting the life of one of our colleagues from that assailant.

And let us also not forget Christopher Eney, a U.S. Capitol Police Officer who gave his life while participating in a training exercise in 1984. I understand that he was participating in the type of intense training that would have proven very helpful on Wednesday, May 11. Their names are all inscribed on the National Law Enforcement Officers' Memorial on Judiciary Square. The headquarters of the U.S. Capitol Police is named in the honor of each of them.

This is the third consecutive year that I have spoken in honor of the men

and women in law enforcement who have lost their lives in the line of duty. This year, the names of 415 law enforcement officers have been inscribed on the memorial; 153 of these brave men and women lost their lives in 2004. The remainder lost their lives in other years—some generations before the memorial was created.

In 2004 Alaska did not lose a law enforcement officer in the line of duty. This year, no Alaskans have been added to the National Law Enforcement Officers Memorial and for this we are grateful.

During National Police Week we are reminded that the 17,000 people whose names are engraved on the Law Enforcement Officers Memorial were heroes not for the way they died but for the way they lived. It was Vivian Eney, the surviving spouse of U.S. Capitol Police Officer Christopher Eney, who coined that phrase.

For 51 weeks a year the stories behind those 17,000 names are known to family members and law enforcement colleagues. But during National Police Week the memorial comes alive as surviving family members and department colleagues decorate the memorial with shoulder patches, photographs, stories and poems. Ultimately this material will be available to the public 365 days a year at a museum that the Congress authorized to be constructed on Federal land in 2000.

The museum will be developed, constructed, owned and operated by the National Law Enforcement Officers Memorial Fund—the same nonprofit organization that built and now oversees the National Law Enforcement Officers Memorial. Construction is expected to commence in 2007 and the opening is slated for 2009.

The museum will replace a one room memorial visitor center in the storefront of a downtown office building and will educate millions of visitors about the tremendous contributions our law enforcement officers have made throughout our Nation's history. It is a worthy addition to the memorial and a project worthy of support by our colleagues and the Nation.

During the annual Police Week observance thousands of survivors of fallen law enforcement officers return to Washington, D.C., for the annual conference of the support group Concerns of Police Survivors. I was proud to welcome to my office the surviving family members of Kenai Police Department Officer John Patrick Watson whose name was inscribed on the National Law Enforcement Officers Memorial in 2004.

Laurie Heck Huckeba, the widow of fallen Alaska State Trooper Bruce Heck, who gave his life on January 10, 1997, has returned to our Nation's Capital in her role as Pacific Region Trustee of Concerns of Police Survivors. She could not come to Capitol Hill to visit with me because she was busy conducting orientation sessions for the survivors of fallen law enforcement of-

ficers who are attending the Concerns of Police Survivors meetings in Alexandria, VA for the first time. It was not so long ago that Laurie was attending her first survivors' conference and now she is helping other survivors rebuild their lives. Laurie was raised in Glennallen, AK. Although Laurie has relocated from Alaska to the Bakersfield, CA area, it is clear to me that the Alaskan spirit of giving and sharing still burns strong within her. Thank you, Laurie.

Mayor Steve Thompson of the City of Fairbanks has sent a wreath to be displayed at the National Law Enforcement Officers Memorial in memory of Patrol Officer John Kevin Lamm who gave his life on January 1, 1998. Thank you, Mayor Thompson.

The names of 42 Alaskans appear on the National Law Enforcement Officers Memorial. During National Police Week, which officially begins on May 15 and concludes on May 21 we will reflect on the contributions of each of these heroes here in Washington and in ceremonies in my State of Alaska.

To their colleagues in law enforcement and to the surviving members of these 41 Alaskans and to the family, friends and colleagues of the 17,000 men and women whose names appear on the National Law Enforcement Officers Memorial, let us remember during this National Police Week that "Heroes Live Forever."

In valor there is hope.

I ask unanimous consent that the names of these 42 individuals, their agencies and the date upon which each of their watches ended be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## ALASKANS INSCRIBED ON THE NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL

Richard J. Adair, Juneau Police Department, August 17, 1979

Doris Wayne Barber, Sitka Police Department, July 28, 1960

Gordon Brewster Bartell, Kodiak Police Department, January 15, 1983

Robert Lee Bittick, Alaska State Troopers, October 11, 1994

Leroy Garvin Bohuslov, Alaska Dept. of Fish and Game, March 5, 1964

Larry Robert Carr, Alaska State Troopers, December 11, 1974

Ignatius John Charlie, Alakanuk Police Department, May 10, 1985

Roland Edgar Chevalier, Jr., Alaska State Troopers, April 3, 1982

Dennis Finbar Cronin, Alaska State Troopers, February 18, 1974

Thomas Clifford Dillon, Bethel Police Department, November 19, 1972

Donald Thomas Dull, Juneau Police Department, October 19, 1964

Troy Lynn Duncan, Alaska State Troopers, May 19, 1984

Johnathan Paul Flora, Anchorage Police Department, September 8, 1975

Harry Biddington Hanson, Jr., Anchorage Police Department, July 17, 1986

Bruce A. Heck, Alaska State Troopers, January 10, 1997

James C. Hesterberg, Alaska Department of Corrections, November 19, 2002

Earl Ray Hoggard, Ketchikan Police Department, March 30, 1974